IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO : 24165 of 1997

Dated 6th March, 2007

Between

Tenneti Pardhasaradhi

…Petitioner

and

The Joint Collector-cum-Settlement Officer,
Srikakulam, Srikakulam District and anr
…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 24165 of 1997

ORDER:

This Writ Petition has been filed questioning the order dated 18-8-1997 passed by the Joint Collector-cum-Settlement Officer, Srikakulam, rejecting the application filed by the mother of the petitioner seeking condonation of delay in filing the application for grant of ryotwari patta under the Andhra Pradesh (Andhra Area) Estates (Abolition & Conversion into Ryotwari) Act, 1948.

The petitioner claims to be in possession of the land admeasuring Ac.0.52 cents covered by Sy.No. 68/4 of Gopalapuram village in Rajam Mandal, Srikakulam District. The village Gopalapuram is an Inam Estate and it was taken over by the

government on 5.6.1961 by issuance of G.O.Ms.No.451, Revenue, dated 16.3.1961. It is stated that the mother of the petitioner, by name, Smt. T.Saraswathamma was in possession of the said land till 1993, and, after her death, the petitioner along with his brother, by name, Krishna Murthy, are cultivating the said land. It is the grievance of the petitioner, that as their mother died during pendency of the application, the first respondent ought to have issued notice and provided an opportunity of being heard to them before rejecting the application filed by their mother, as they are the sons of the original applicant.

The application submitted by the mother of the petitioner for condonation of delay in filing the petition for grant of Ryotwari patta was rejected vide impugned order dated 18-8-1997 in proceedings Sr.15(1) IA.No.1/90 SKL on the ground that the reasons stated for condoning the delay are not convincing. Though the Writ Petition is of the year 1997, no counter affidavit is filed on behalf of the respondents.

It is stated in the affidavit filed in support of the Writ petition that late mother of the petitioner is entitle to Ryotwari patta in respect of the aforesaid land. It is further stated, that mother of the petitioner filed an application in the year 1989 and during pendency of the said application, she died in the year 1993. As much as the petitioner and his brother are not on record, and, they claim to be the sons of Smt.T.Saraswathamma, I deem it appropriate that the petitioner and his borther should be given an opportunity to come on record. In that view of the matter, the order dated 18-8-1997 in proceedings Sr.15(1) IA.No.1/90 SKL passed by the first respondent is set aside and the matter is remanded back to the first respondent for fresh consideration. It is open for the petitioner to move appropriate application for coming on record as legal heirs of the original applicant.

The Writ Petition is allowed to the extent indicated above. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 06-03-2007.
Msnr.